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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,716	07/01/2003	Michael J. Siminovitch	IB-1866	3766

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LAWRENCE BERKELEY NATIONAL LABORATORY
ONE CYCLOTRON ROAD, MAIL STOP 90B
UNIVERSITY OF CALIFORNIA
BERKELEY, CA 94720

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT PAPER NUMBER

3636

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,716

Applicant(s)

SIMINOVITCH ET AL.

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5, 7, 11, 12, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the Applicant appears to be uncertain of the structure of his invention. Claim 2 is alternative form when he defines that the "dynamic mechanical support structure" comprises a flexible linkage or an articulated or pivoting assembly" Which is it? Applicant needs to pick one. He can claim or define other structures in subsequent dependent claims. Applicant does this again in claim 5 when using "rotationally or translationally". The same problem exists in claims 7, 11, 12, and 16 where he uses the word "or" when listing a number of structures.

The aforementioned problem renders the claims vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8, 11, and 14-15 so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Seils (U.S. Patent No. 1,706,634).

Seils teaches the structure as claimed including an armrest having a topside and an underside, a dynamic mechanical support structure attached to the underside of the armrest that applies a compliant upward force to the armrest to provide a dynamic counterbalancing support of a forearm resting on the armrest, the dynamic mechanical

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support structure comprising a flexible linkage or an articulated or pivoting assembly and an adjustable tensioning element connected to the linkage, the tensioning element being a spring, the armrest is rotationally or translationally attached to the mechanic support structure, wherein said dynamic mechanical support structure comprises a force transmitting mechanism and a force generating mechanism connected to the force transmitting mechanism, the force transmitting mechanism comprises an articulated or pivoting mechanical assembly and the force generating mechanism comprises a spring. (See Figures 2-3).

Claims 1-3, 11, and 13-14, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (U.S. Patent No. 4,069,995).

Miller teaches the structure as claimed including an armrest having a topside and an underside, a dynamic mechanical support structure attached to the underside of the armrest that applies a compliant upward force to the armrest to provide a dynamic counterbalancing support of a forearm resting on the armrest, the dynamic mechanical support structure comprising a flexible. (See Figures 1-4).

Claims 1-8, 11, and 14-15 so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Moore (U.S. Patent No. 3,063,752).

Moore teaches the structure as claimed including an armrest having a topside and an underside, a dynamic mechanical support structure attached to the underside of the armrest that applies a compliant upward force to the armrest to provide a dynamic counterbalancing support of a forearm resting on the armrest, the dynamic mechanical support structure comprising a flexible linkage or an articulated or pivoting assembly

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and an adjustable tensioning element connected to the linkage, the tensioning element being a spring, the armrest is rotationally or translationally attached to the mechanical support structure, wherein said dynamic mechanical support structure comprises a force transmitting mechanism and a force generating mechanism connected to the force transmitting mechanism, the force transmitting mechanism comprises an articulated or pivoting mechanical assembly and the force generating mechanism comprises a spring.. (See Figures 1-6).

Claims 1-8 and 14-15 so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Holstensson (U.S. Patent No. 5,571,274).

Holstensson teaches the structure as claimed including an armrest having a topside and an underside, a dynamic mechanical support structure attached to the underside of the armrest that applies a compliant upward force to the armrest to provide a dynamic counterbalancing support of a forearm resting on the armrest, the dynamic mechanical support structure comprising a flexible linkage or an articulated or pivoting assembly and an adjustable tensioning element connected to the linkage, the tensioning element being a spring, the armrest is rotationally or translationally attached to the mechanical support structure, wherein said dynamic mechanical support structure comprises a force transmitting mechanism and a force generating mechanism connected to the force transmitting mechanism, the force transmitting mechanism comprises an articulated or pivoting mechanical assembly and the force generating mechanism comprises a spring.. (See Figures 1-2).

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Claims 1-8, 11-12, and 14-16 so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al (U.S. Patent No. 5,927,815).

Nakamura et al teach the structure as claimed including an armrest having a topside and an underside, a dynamic mechanical support structure attached to the underside of the armrest that applies a compliant upward force to the armrest to provide a dynamic counterbalancing support of a forearm resting on the armrest, the dynamic mechanical support structure comprising a flexible linkage or an articulated or pivoting assembly and an adjusting tensioning element connected to the linkage, the tensioning element being a spring, the armrest is rotationally or translationally attached to the mechanical support structure, wherein said dynamic mechanical support structure comprises a force transmitting mechanism and a force generating mechanism connected to the force transmitting mechanism, the force transmitting mechanism comprises an articulated or pivoting mechanical assembly and the force generating mechanism comprises a spring.. (See Figures 1-2 and 4-5 and specification).

Claims 1-8 and 14-15, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hong (U.S. Patent No. 6,042,064)).

Hong teaches the structure as claimed including an armrest having a topside and an underside, a dynamic mechanical support structure attached to the underside of the armrest that applies a compliant upward force to the armrest to provide a dynamic counterbalancing support of a forearm resting on the armrest, the dynamic mechanical support structure comprising a flexible linkage or an articulated or pivoting assembly and tensioning element connected to the linkage, the tensioning element being a spring,

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the armrest is rotationally or translationally attached to the mechanical support structure, wherein said dynamic mechanical support structure comprises a force transmitting mechanism and a force generating mechanism connected to the force transmitting mechanism, the force transmitting mechanism comprises an articulated or pivoting mechanical assembly and the force generating mechanism comprises a spring.. (See Figures 1-3 and 5).

Claims 1-8 , 11, and 13-15, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Bouhuijs (U.S. Patent No. 6,464,183)

Bouhuijs teaches the structure as claimed including an armrest having a topside and an underside, a dynamic mechanical support structure attached to the underside of the armrest that applies a compliant upward force to the armrest to provide a dynamic counterbalancing support of a forearm resting on the armrest, the dynamic mechanical support structure comprising a flexible linkage or an articulated or pivoting assembly and tensioning element connected to the linkage, the tensioning element being a spring, the armrest is rotationally or translationally attached to the mechanical support structure, wherein said dynamic mechanical support structure comprises a force transmitting mechanism and a force generating mechanism connected to the force transmitting mechanism, the force transmitting mechanism comprises an articulated or pivoting mechanical assembly and the force generating mechanism comprises a spring.. (See Figures 1-3 and 5).

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Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holtta teaches an armrest with two lever arms 4. Ruckstadter, Su, Mars, and Nakamura teach structures with similar features and functions to that of the present invention.

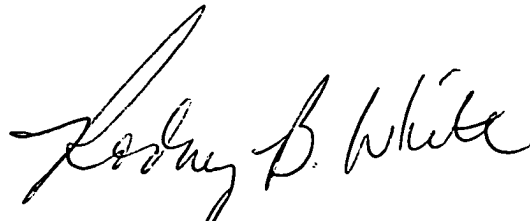
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276. The examiner can normally be reached on 5:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Rodney B. White,
Patent Examiner
Art unit 3636
July 26, 2004


Rodney B. White
Patent Examiner